

REMARKS

The Office Action dated May 13, 2004, has been received and its contents carefully noted. With respect to the requirement for election and restriction between groups I through IX, applicant hereby provisionally elects group I, consisting of claims 1 through 7 and 12 through 19. Applicant traverses the restriction requirement of groups I through IX, and requests reconsideration.

At the outset, the Examiner has historically provided not only a list of the inventions, but also the classes and subclasses to which each invention pertains (see, e.g., MPEP 814, “[The grouping of claims] should indicate the classification or separate status of each group, as for example, by class and subclass.”). Such classifications are relevant to the extent that they indicate that relevant reference material is located in diverse regions of the Patent Office and that examination of the entire application would be a serious burden on the Examiner (MPEP 803). Applicant may then make an informed decision about which invention to elect, based in part on the classifications indicated.

It is respectfully stipulated that all of the claims are so closely related to each other that they should remain in the same application to preserve unity of the invention and thus avoid any possibility of the charge of double patenting arising at some later date. It is typically improper for process and apparatus claims involving exactly the same inventive concept and evidencing complete “unity of invention” to be divided. *Steinmetz v. Allen*, 192 U.S. 543, 48 L.Ed. 555 (1904). Both of the above-identified claims are directed to the production of thrombin and the methods and apparatus employed therein.

The statutory requirement under 35 U.S.C. §121 that there be both independence and distinction between the inventions has not been met. The Examiner has not set forth with specificity what is believed to be the distinction a process for competitive bidding on a bid package; a system for qualifying suppliers to bid on a bid package; a system to utilize pass through suppliers; a system for competitive bidding with respect to qualifying buyers or sellers; a needs assessment, resource management, procurement and contracts management system; automated processes for procurement and resource management regarding bid packages; and a system for providing the appearance of direct transactions between buyers and sellers on web sites.

At the very least, the claims in group II should be grouped with the claims in group I. The Examiner's characterization of group II (claims 8-11) as "compris[ing] outsourcing modules (which constitute a project) where each module is outsourced based upon a specified tier N of a buyer" is incorrect. The tier N allows identification of the level of buyer, not a method of qualifying buyers. Tier 0, for example, represents the end-user, or, for example, an in-house bid. Each tier represents a degree of separation from the ultimate end user. Thus, the invention of claims 8 through 11 is clearly related to the invention of claims 1 through 7 and 12 through 19. The processes are described with reference to different elements related to the same concept. They are not subcombinations at all.

The Examiner's kind attention is drawn to new claim 37, which depends from claim 1 and is likewise contained in group I.

With respect to the inventions in groups I through IX, each invention is related to the same inventive concept, that of managing procurement and resources

with respect to bids characterized as packages comprised of modules of goods and services, each separately obtainable.

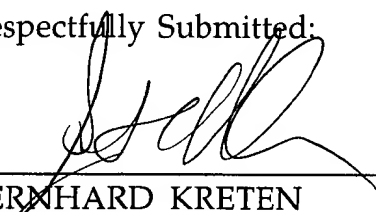
Therefore, the Examiner is respectfully requested to withdraw the restriction requirement between groups I through IX. Although claims 8 through 11 and 20 through 36 have not been provisionally elected, applicant still reserves the right to file a divisional application for this subject matter and applicant does not waive any right therefore or abandon such subject matter.

The Examiner is respectfully requested to note that the Office Action to which this amendment responds was mailed on May 13, 2004, thereby requiring a response on June 13, 2004. June 13, 2004 was a Sunday. Therefore this amendment is timely filed on Monday, June 14, 2004.

In view of the foregoing, the Examiner is respectfully requested to reconsider the position taken in the last Office Action acting favorably hereon by removing this restriction requirement. If, upon further consideration, the Examiner believes that further issues remain outstanding or new ones have been generated, he is respectfully requested to call undersigned in order to expeditiously resolve same.

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Respectfully Submitted:



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